IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4281 OF 2005

The State of Maharashtra ...Applicant

Versus

Prutwiraj Ankush Chavan & Ors. ...Respondents

Shri S.R.Shinde, A.P.P for the Applicant.

CORAM : A. S. OKA, J.

DATE : DECEMBER 06, 2006.

P.C.:

1. Heard the learned A.P.P for the State. The acquittal of the Respondents is for offences punishable under section 143, 504, 506 read with section 149 of the Indian Penal Code. The case of the complainant is that on 28th March, 1997 when her husband had gone to his field, the Respondents came towards her house by a jeep bearing No. MAM 5822 and were carrying with them iron bars and sticks. According to the case of the complainant the first Respondent came forward and made inquiry about one Suman and the husband of the complainant. He threatened that he would kill the husband of the complainant and set the house on fire. As the complainant told the accused that her husband was in the field, the Respondent proceeded towards the

field. According to the complainant, she followed the Respondents and witnessed that the Respondents were trying to assault her husband. On hearing shouts of her husband, other witnesses came there and on noticing other witnesses, the Respondents ran away by leaving their jeep at the spot.

2. The learned Judge found that in her complaint, the complainant stated that when she reached the field, she saw that the Respondents were trying to assault her husband. However, before the court the complainant deposed that she saw the Respondents actually beating her husband. There is a serious discrepancy in her evidence regarding the colour of the jeep. According to the evidence on record, the jeep was not having any number plate at the relevant time and number plate was kept under the seat of the jeep. However, the complainant in her evidence disclosed the registration number of the vehicle. Moreover, the complainant did not disclose as to how she became aware of the registration number. The learned Judge found that even in the deposition of the eye witnesses there were material contradictions. The learned Judge found that the witnesses stated that the complainant informed the

witnesses that the incident took place when she was in her house.

3. Considering the material contradictions and discrepancies in the evidence of the prosecution witnesses, the learned Judge has passed an order of acquittal. No case is made out for grant of leave. Application is rejected.

JUDGE